

AMENDED IN ASSEMBLY JUNE 15, 2005

AMENDED IN SENATE MAY 25, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 194

Introduced by Senator Maldonado

February 10, 2005

An act to amend Section 7582.2 of, and to add Chapter 11.4 (commencing with Section 7574) to Division 3 of, the Business and Professions Code, relating to private security officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 194, as amended, Maldonado. Proprietary private security officers.

The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law exempts specified persons from the act.

This bill would enact the Proprietary Security Services Act. The bill would define proprietary private security officers and it would require these persons and their employers to register with the Department of Consumer Affairs, subject to the adoption of reasonable rules by the Director of Consumer Affairs.

The bill would become operative on July 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11.4 (commencing with Section 7574) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 11.4. PROPRIETARY SECURITY SERVICES ACT

7574. This chapter may be cited as the Proprietary Security Services Act.

7574.1. A proprietary private security officer, as used in this chapter, is an unarmed individual who is employed exclusively by any one employer whose primary duty is to provide security services for his or her employer, whose services are not contracted to any other entity or person, and who is not exempt pursuant to Section 7582.2, and who meets both of the following criteria:

(a) Is required to wear a distinctive uniform clearly identifying the individual as a security officer.

(b) Is likely to interact with the public while performing his or her duties.

7574.2. A person who meets the definition of a proprietary private security officer shall register with the Department of Consumer Affairs, subject to the adoption of reasonable rules by the director. Those rules shall include, but are not limited to, the following criteria:

(a) Background checks as described in Section 7583.9.

(b) Payment of an application fee.

7574.3. An employer wishing to employ a proprietary private security officer shall register with the Department of Consumer Affairs, subject to the adoption of reasonable rules by the director.

SEC. 2. Section 7582.2 of the Business and Professions Code is amended to read:

7582.2. This chapter does not apply to the following:

(a) A person who does not meet the requirements to be a proprietary private security officer, as defined in Section 7574.1, and is employed exclusively and regularly by any employer who does not provide contract security services for other entities or persons, in connection with the affairs of the employer only and

1 where there exists an employer-employee relationship if that
2 person at no time carries or uses any deadly weapon in the
3 performance of his or her duties. For purposes of this
4 subdivision, “deadly weapon” is defined to include any
5 instrument or weapon of the kind commonly known as a
6 blackjack, slungshot, billy, sandclub, sandbag, metal knuckles,
7 any dirk, dagger, pistol, revolver, or any other firearm, any knife
8 having a blade longer than five inches, any razor with an
9 unguarded blade and any metal pipe or bar used or intended to be
10 used as a club.

11 (b) An officer or employee of the United States of America, or
12 of this state or a political subdivision thereof, while the officer or
13 employee is engaged in the performance of his or her official
14 duties, including uniformed peace officers employed part time by
15 a public agency pursuant to a written agreement between a chief
16 of police or sheriff and the public agency, provided the part-time
17 employment does not exceed 50 hours in any calendar month.

18 (c) A person engaged exclusively in the business of obtaining
19 and furnishing information as to the financial rating of persons.

20 (d) A charitable philanthropic society or association duly
21 incorporated under the laws of this state that is organized and
22 maintained for the public good and not for private profit.

23 (e) Patrol special police officers appointed by the police
24 commission of any city, county, or city and county under the
25 express terms of its charter who also under the express terms of
26 the charter (1) are subject to suspension or dismissal after a
27 hearing on charges duly filed with the commission after a fair
28 and impartial trial, (2) must be not less than 18 years of age nor
29 more than 40 years of age, (3) must possess physical
30 qualifications prescribed by the commission, and (4) are
31 designated by the police commission as the owners of a certain
32 beat or territory as may be fixed from time to time by the police
33 commission.

34 (f) An attorney at law in performing his or her duties as an
35 attorney at law.

36 (g) A collection agency or an employee thereof while acting
37 within the scope of his or her employment, while making an
38 investigation incidental to the business of the agency, including
39 an investigation of the location of a debtor or his or her property
40 where the contract with an assignor creditor is for the collection

1 of claims owed or due or asserted to be owed or due or the
2 equivalent thereof.

3 (h) Admitted insurers and agents and insurance brokers
4 licensed by the state, performing duties in connection with
5 insurance transacted by them.

6 (i) Any bank subject to the jurisdiction of the Commissioner of
7 Financial Institutions of the State of California under Division 1
8 (commencing with Section 99) of the Financial Code or the
9 Comptroller of Currency of the United States.

10 (j) A person engaged solely in the business of securing
11 information about persons or property from public records.

12 (k) A peace officer of this state or a political subdivision
13 thereof while the peace officer is employed by a private
14 employer to engage in off-duty employment in accordance with
15 Section 1126 of the Government Code. However, nothing herein
16 shall exempt such peace officer who either contracts for his or
17 her services or the services of others as a private patrol operator
18 or contracts for his or her services as or is employed as an armed
19 private security officer. For purposes of this subdivision, “armed
20 security officer” means an individual who carries or uses a
21 firearm in the course and scope of that contract or employment.

22 (l) A retired peace officer of the state or political subdivision
23 thereof when the retired peace officer is employed by a private
24 employer in employment approved by the chief law enforcement
25 officer of the jurisdiction where the employment takes place,
26 provided that the retired officer is in a uniform of a public law
27 enforcement agency, has registered with the bureau on a form
28 approved by the director, and has met any training requirements
29 or their equivalent as established for security personnel under
30 Section 7583.5. This officer may not carry a loaded or concealed
31 firearm unless he or she is exempted under the provisions of
32 subdivision (a) of Section 12027 of the Penal Code or paragraph
33 (1) of subdivision (b) of Section 12031 of the Penal Code or has
34 met the requirements set forth in Section 12033 of the Penal
35 Code. However, nothing herein shall exempt the retired peace
36 officer who contracts for his or her services or the services of
37 others as a private patrol operator.

38 (m) A licensed insurance adjuster in performing his or her
39 duties within the scope of his or her license as an insurance
40 adjuster.

1 (n) Any savings association subject to the jurisdiction of the
2 Commissioner of Financial Institutions or the Office of Thrift
3 Supervision.

4 (o) Any secured creditor engaged in the repossession of the
5 creditor's collateral and any lessor engaged in the repossession of
6 leased property in which it claims an interest.

7 (p) A peace officer in his or her official police uniform acting
8 in accordance with subdivisions (c) and (d) of Section 70 of the
9 Penal Code.

10 *SEC. 3. This act shall become operative on July 1, 2006.*